

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

11509 B

First named inventor: Hai Pin KUO

Group Art Unit: n/a

Application Number: 09/625,214

Examiner:

Filed: July 24, 2000

**RECEIVED**

OCT 31 2002

Title: TREADMILL HAVING A CUSHIONED DECK LIMITING DEVICE

OFFICE OF PETITIONS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

☒ small entity - fee \$ 55 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of RESPONSE TO COMPLETE NONPROVISIONAL APPLN (identify the type of reply):

- ☒ has been filed previously on October 4, 2000 (and also enclosed herewith)  
☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

10/25/2002

Date

Charles E. Baxley

Signature

Telephone

Number: (212) 791-7200Charles E. Baxley (USPTO Reg. 20,149)

Typed or printed name

59 John Street - Fifth Floor

Address

New York, NY 10038

Enclosures: ☒ Fee Payment The Commissioner is authorized to credit/debit Deposit Account No. 02-1435.

☒ Reply (as previously filed)

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

10/25/2002

Date

Charles E. Baxley

Signature

Charles E. Baxley

Typed or printed name of person signing certificate

PTO/SB/81 (10-00)

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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

10/25/2002

Date

Charles E. Baxley

Signature

Charles E. Baxley

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicant filed the above referenced Patent Application on July 24, 2000. The Application included seven (7) formal sheets of drawings. An acknowledgment postcard date-stamped by the USPTO mail room on July 24, 2000 evidences receipt by USPTO of seven (7) formal drawing sheets.

On September 13, 2000, USPTO's Customer Service Center mailed a Formalities Letter to Applicant stating that the Application had been deposited without drawings.

On October 4, 2000, Applicant filed a Response to USPTO's Informalities Letter stating that seven (7) formal drawing sheets previously had been filed with the Application. Applicant enclosed with its Response an additional set of formal drawings.

Applicant believes that its Application was complete at the time it was originally filed and also that a timely response to USPTO's Informalities Letter was duly processed to USPTO.

If the foregoing grounds are insufficient to establish an "unavoidable abandonment", Applicant hereby requests that this Petition to Revive be considered on grounds that the abandonment was "unintentional". The Commissioner is authorized to charge any fee deficiency to Deposit Account No. 02-1435.

(Please attach additional sheets if additional space is necessary)